

Constitution of Police
Establishment Board

Government of Maharashtra,
Home Department,
Government Resolution No. NPC 1008/2/CR-6/POL-3,
Mantralaya, Mumbai 400 032.
Dated the 25th July, 2008

READ : Judgment dated 22.9.2006 of the Supreme Court of India in Writ Petition (Civil) No. 310/1996 in Prakash Singh and Others Vs. Union of India and Others.

BACKGROUND : The Government of India had appointed a National Police Commission (NPC) for a fresh examination of the role and performance of police, both as a law enforcing agency and as an institution to protect the rights of citizens enshrined in the Constitution of India. The NPC after examining all the issues in depth, submitted various reports and the final report in 1981. Prakash Singh and Others had filed Writ Petition (Civil) No. 310 of 1996 against Union of India and Others under Article 32 of the Constitution of India for direction to implement the report of the NPC and to frame a new Police Act in order to ensure that the police is accountable essentially and preliminarily to the law of the land and the people.

The Hon'ble Supreme Court of India, while deciding the said Writ Petition by its judgment dated 22.9.2006, has held that it is essential to lay down guidelines to be operative till the new legislation is enacted by State Governments. The Hon'ble Supreme Court of India has issued directions under Article 32 read with Article 142 of the Constitution of India for the constitution of a Police Establishment Board in the said judgment.

RESOLUTION :

In pursuance of the judgment of the Hon'ble Supreme Court of India and untill appropriate changes are made in the Bombay Police Act,

ROTA/H-1604(C)(300-7-08)-1

1951 on the lines of the Supreme Court directions, the Government of Maharashtra has decided to constitute the Police Establishment Board at State Level as under

- i) Director General of Police - Chairperson
- ii) Additional Director General of Police (Establishment) - Member
- iii) Additional Director General of Police (L&O) - Member
- iv) Commissioner of Police, Mumbai - Member
- v) Inspector General of Police (Establishment) - Ex-officio Secretary

1 A. The Police Establishment Board at the State level shall exercise powers and perform functions as follows :

- a) The Board shall decide all transfers, postings, promotions and other service related matters of officials of and below the rank of Inspector of Police. However, transfers will be decided within the purview of the Maharashtra Government Servants Regulation of Transfer and Prevention of Delay in Discharge of duties Act, 2005;
- b) The Board shall be authorized to make appropriate recommendations to the State Government regarding postings and transfers of officers of and above the rank of Deputy Superintendent of Police and State Government shall give due weightage to those recommendations;
- c) The Board shall also function as a forum of appeal for disposing of representations from officers of and below the rank of Police Inspector regarding their promotions, transfer, disciplinary proceedings or their being subjected to illegal or irregular orders subject to the provisions of further appeal to Government as per existing rules and operation;
- d) The Board shall be authorised to make appropriate recommendations to the State Government, on the grievances, received from the Police officers of and above the rank of Dy.S.P. regarding their promotions, disciplinary proceeding and other

service matters after analysing the same as per the prevailing rules and regulations.

e) The Board shall generally review the functioning of the State Police;

f) The Board shall exercise such other functions as may be assigned to it by the State Government from time to time.

1 B. The State Government may modify any of the decisions of the Board after recording its reasons for doing so.

2. The Government of Maharashtra hereby also constitutes Regional Establishment Boards at the range level as under :

- i) Range Inspector General of Police - Chairperson
- ii) Two senior most Superintendents of Police - Members within the Range
- iii) The Reader (Dy. S.P.) in the office of the Range Inspector General of Police. - Member Secretary

2 A. The Regional Police Establishment Board at the Range level shall exercise powers and perform functions as follows :

- a) The Board shall decide all transfers, postings, and other service related matters of officials of rank of Police Sub Inspector to Police Inspector within the range.
- b) The Board shall be authorized to make appropriate recommendations to the State Establishment Board regarding postings and transfers out of the range of officers of the rank of Police Sub Inspector to Police Inspector.

3. The Government of Maharashtra hereby also constitutes Establishment Boards at the Commissionerate level as under:

- i) Commissioner of Police . Chairperson
- ii) Two senior most officer in the rank of
Joint Commissioner/ Additional Commissioner/
Deputy Commissioner of Police . Members
- iii) Deputy Commissioner of Police (Head Quarter)
-Member Secretary

3 A. Police Establishment Boards at the Commissionerate level shall exercise powers and perform functions as follows :

- a) The Board shall decide all transfers, postings, and other service related matters of officials of rank of Police Sub Inspector to Police Inspectors within the commissionerate.
- b) The Board shall be authorized to make appropriate recommendations to the State Establishment Board regarding postings and transfers out of the commissionerate of officers of the rank of Police Sub Inspector to Police Inspector.

4. The Regional Police Establishment Boards and the Establishment Boards at the Commissionerate level will function under the Superintendence, direction and control of the Establishment Board at State level.

5. This Government Resolution is available on the website of the Government of Maharashtra (www.maharashtra.gov.in) and its computer code is 20080725152930001.

By order and in the name of the
Governor of Maharashtra,

S. A. Jaywant
(S. A. Jaywant)

Deputy Secretary to Government

Copy to :

Home Secretary, Government of India;

P.A. to the Chief Minister;

P.A. to the Dy. Chief Minister;

P.A. to the Leader of Opposition, State Legislative Assembly;

P.A. to the Chief Secretary;

P.A. to the Addl. Chief Secretary (Home);

P.A. to the Addl. Chief Secretary (Services) General Administration
Department;

P.A. to Principal Secretary, Law & Judiciary Department;

The Director General of Police;

All Range Inspector General of Police,

All Divisional Commissioners (Revenue)

All Commissioners of Police,

All District Collectors,

All Superintendent of Police,

All Joint Secretaries/Deputy Secretaries, Home Department.

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